

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RESILIENT LIFE CARE, LLC,

Plaintiff,

Case No. 22-cv-12382
Hon. Matthew F. Leitman

v.

STATE FARM MUTUAL
AUTOMOBILE INSURANCE CO.,

Defendant.

**ORDER STRIKING DEFENDANT’S MOTIONS
IN LIMINE (ECF Nos. 26-34) WITHOUT PREJUDICE**

On May 6, 2024, Defendant State Farm Mutual Automobile Insurance Company filed nine motions *in limine* in this action. (*See* Motions, ECF Nos. 26-34.) In none of the motions did State Farm inform the Court that it sought concurrence from Plaintiff before it filed each motion. This Court’s Local Rules require that (1) before any motion is filed, the moving party seek concurrence in the relief sought in the motion from the opposing party, and (2) the moving party inform the Court of the results of those efforts in its motion. *See* E.D. Mich. Local Rule 7.1(a). More specifically, Local Rule 7.1(a) provides that:

(1) Before filing a motion relating to discovery, the movant must comply with Federal Rule of Civil Procedure 37(a)(1). Otherwise, the movant must ascertain before filing whether the contemplated motion or request under Federal Rule of Civil Procedure 6(b)(1)(A) will be

opposed. To accomplish this, the movant must confer with the other parties and other persons entitled to be heard on the motion in good faith and in a manner that reasonably explains the basis for the motion and allows for an interactive process aimed at reaching agreement on the matter or those aspects of the matter that can be resolved without court intervention, given the nature of the contemplated motion. The conference must be held sufficiently in advance of filing the motion to allow a good faith interactive exchange aimed at resolving the matter. If the movant obtains concurrence, the parties or other persons involved may make the subject matter of the contemplated motion or request a matter of record by stipulated order.

(2) If concurrence is not obtained, the motion or request must state:

(A) there was a conference between attorneys or unrepresented parties and other persons entitled to be heard on the motion in which the movant explained the nature of the motion or request and its legal basis and requested but did not obtain concurrence in the relief sought;

(B) despite reasonable and timely efforts specified in the motion or request, the movant was unable to conduct a conference; or

(C) concurrence in the motion has not been sought because of the emergent nature of the relief requested in the motion; or

(D) concurrence in the motion has not been sought because the movant or nonmovant is an incarcerated prisoner proceeding pro se.

(3) The court may impose sanctions for unreasonable withholding of consent and for violating this rule, which may include taxing costs and attorney's fees, denying the motion, and striking the filing.

E.D. Mich. Local Rule 7.1(a)(1)-(3).

Because State Farm did not comply with Local Rule 7.1(a), the Court will **STRIKE** all of State Farm's motions *in limine* **WITHOUT PREJUDICE**. If State Farm wishes to refile any of its motions, it shall first have a **substantive** meet and confer with Plaintiff to discuss the issues raised in each motion and to attempt to reach an agreement on the subject of the motion. State Farm may re-file its stricken motions *in limine* – if necessary following the required meet and confer sessions described above and that fully comply with Local Rule 7.1(a) – by no later than **May 20, 2024**. Plaintiff shall not be permitted to file any motions *in limine* because it did not file any such motions by the Court's May 6, 2024, deadline.

IT IS SO ORDERED.

Dated: May 7, 2024

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on May 7, 2024, by electronic means and/or ordinary mail.

s/Holly A. Ryan
Case Manager
(313) 234-5126